

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CASE NO. 10-CV-00565

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FLOYD LEE BROWN, by and through his  
Guardian Ad Litem, Anthony Giordano,

Plaintiff,

v.

ANSON COUNTY, ROBERT LUTHER  
POPLIN, JR., in his individual capacity,  
SHERIFF TOMMY ALLEN, in his  
individual and official capacities, SHERIFF  
JAMES SELLERS, in his individual and  
official capacities, JOHN AND JANE  
DOES 1-10, in their individual capacities,  
and RICHARD and ROBERTA ROES 1-  
10, in their individual capacities,

Defendants.

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**ORDER**

THIS MATTER COMING ON TO BE HEARD this 19<sup>th</sup> day of December, 2012  
before the Honorable Max O. Cogburn, Jr., United States District Court Judge for the  
Western District of North Carolina, upon the Motion of Plaintiff for an Order Creating a  
Special Needs Trust; and

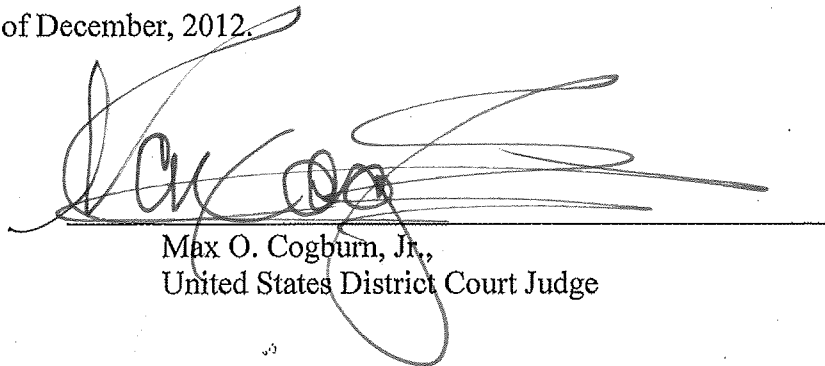
The Court having found, based upon the motion and the matters presented to the  
Court during the hearing, including evidence that Floyd Lee Brown has suffered since  
birth and continues to suffer from mental retardation, with an IQ of less than 60, that the  
Plaintiff suffers from a permanent mental disability; and

The Court having examined the provisions of the Special Needs Trust to be created for the Plaintiff in this matter, as well as the Settlement Agreement entered into between the parties; and

The Court having found that Floyd Lee Brown's best interests would be served by the creation of a Special Needs Trust to receive the proceeds from the settlement of this matter;

THE COURT HEREBY ORDERS that a Special Needs Trust, pursuant to the provisions of 42 U.S.C. § 1396p(d)(4)(A), be created for the benefit of the Plaintiff, Floyd Lee Brown.

This the 19<sup>th</sup> day of December, 2012.



Max O. Cogburn, Jr.,  
United States District Court Judge